

**Before the
Federal Communications Commission
Washington, DC**

In the Matter of)	
)	
Request for Review of the Decision of)	
the Universal Service Administrator)	
or Waiver by)	
)	
)	
Atlanta Public Schools)	File Nos. SLD-765738
Atlanta, Georgia)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

REQUEST FOR REVIEW OR WAIVER

Atlanta Public Schools (“School District”), by its representative, hereby requests that the Commission review and reverse the Decision of the Administrator (“USAC”) in the above-captioned matter dated January 5, 2012, and instruct USAC to fund FY 2010 FRN 2069798. Alternatively, the School District requests that the Commission reach the same result by waiving its rules.

USAC decided incorrectly that the School District violated a program rule by awarding a contract to a vendor whose proposal received one point less than the highest scoring proposal. USAC’s rationale was that applicants have no choice but to award their contracts to vendors whose proposals receive the most points, regardless of the circumstances. That rationale does not stand up, because the Commission, for good reason, has never adopted such a hard and fast, unbending rule. Such a rule would unnecessarily reduce the autonomy of applicants to make procurement decisions that best suit their local needs.

Here, the School District decided that it made perfectly good sense to award its contract to the vendor whose proposal was the least expensive and most cost effective and a scant 1.01 points behind the proposal that came in first on points. That kind of lawful, common sense approach to contracting cannot possibly violate an E-rate program rule.

I. FACTS

Proposal Review and Contract Award

The School District issued a Request for Proposals for Wide Area Network Services and received two proposals in response, one from AT&T and the other from ENA. After reviewing them, the School District decided to award its contract to AT&T.

AT&T's price was the lower of the two by far and its proposal as a whole considerably more cost effective.¹ Contracting with ENA would have cost the School District \$232,000 a year more on price alone. The final score with respect to price was 40 points for AT&T and 33.88 points for ENA -- a difference of 6.12 points in the most important review category.² In their entirety, the two proposals came out virtually dead even, with ENA finishing ahead by a slim margin of 1.01 points.

The School District's procurement policy does not require the School District to select the vendor with the highest score.³ Consistent with that policy, the RFP did not say that the highest scoring vendor would receive an automatic lock on the WAN Services contract.⁴ This procurement policy essentially gives department heads, who the School District holds ultimately accountable for how well their respective departments perform, the discretion to review evaluation committee decisions and to make the final call on which vendor to recommend for the award. It is important to note that those senior

¹ See Exhibit 1 (AT&T Price Proposal) and Exhibit 2 (ENA Price Proposal). Note that the amounts listed on the "Total" line are yearly amounts in the AT&T proposal and monthly amounts in the ENA proposal.

² See Exhibit 3 at p.7 (Evaluation Form).

³ See Exhibit 4 (Procurement Policy).

⁴ See Exhibit 5 at p.7 (Evaluation Section from RFP).

officials are privy to information that the diverse groups of people who comprise evaluation teams might not be, such as very specific departmental needs and priorities, budget considerations, and how a particular procurement might fit into a department's near and long term objectives. The School District's procurement policy is sensitive to this but, on a much more fundamental level, it is designed to be flexible enough to ensure that, at the end of the day, the evaluation committee's decision makes sense. That is why the cost effectiveness of AT&T's and ENA's WAN Services proposals became an issue after the final scores were tallied. It was clear that ENA's one point margin of "victory" did not tell the entire story.

Consequently, the School District decided to analyze the proposals further and, because of the wide disparity in the price proposals, focused on cost effectiveness. In doing so, the School District took into account not only price, which was the most important factor, but also a wide range of other cost-related considerations. These are some of the factors that the School District considered:

- Lowest Price – AT&T's lower price proposal represented a concrete, tangible savings to the School District of \$232,000 per year, a significant sum of money.
- Transition Costs – By continuing to do business with AT&T, the School District would save on transition costs, as no additional efforts would be required of School District personnel, either technically, in support of a new provider, or administratively, in terms of the finance staff's handling of billings and other paperwork.
- Company Qualifications and Experience – Because AT&T is the School District's incumbent provider and the major service provider in Atlanta, other providers would have to purchase service from AT&T to resell it to the School District.
- Methodology/Operations – The AT&T solution eliminated interruption to the School District's instructional and business environments by not requiring a change. It was also the simplest solution. For example, if

another carrier reselling AT&T services had been selected, and an outage occurred, the School District would have to contact the carrier, who in turn would have to contact AT&T for repair. This two-tiered approach to service would have been difficult to manage and likely to result in longer than necessary service disruptions.

When it came time to make a final decision, two highly persuasive facts stood out: (1) it was going to cost the School District significantly more money to do business with ENA than with AT&T; and (2) the operational and administrative costs of doing business with ENA were going to be much higher too. Therefore, for those two reasons and the first one especially, and inasmuch as the point differential between the two proposals was *de minimis*, School District officials decided that it was clearly in the School District's best interest to award its WAN Services contract to AT&T.

USAC's Decision Not to Fund the School District's WAN Services Request

After contracting with AT&T, the School District requested E-rate support for monthly recurring service charges of \$175,413 per month for mission critical WAN Services. During the application review process, USAC requested and the School District provided information and documentation related to this funding request, including a detailed explanation as to why it reached the decision it did.⁵ That explanation was the same then as it is today. Nevertheless, after two years, USAC rejected the School District's request.⁶ This was USAC's rationale:

The winning vendor was not selected in accordance with the process listed in the vendor selection documentation provided during the review. After scoring both bids you did not select the bid that received the most points. ENA received more points than AT&T, the company that you selected for your bid award. ENA was not disqualified from the bid, and therefore, after receiving the most points in the evaluation, and in accordance with program rules, should have been awarded the contract. Applicants have significant latitude in developing the bid evaluation criteria, as long as price of the eligible goods and services is the primary factor.

⁵ See Exhibit 6 (Pertinent Portion of Selective Review Response).

⁶ See Exhibit 7 at p.7 (USAC'S FCDL).

However, after determining those criteria and scoring the bids, the applicant must abide by the outcome of that review process.

II. DISCUSSION

A. USAC DECISION TO REJECT THE SCHOOL DISTRICT'S FUNDING REQUEST IS BASED ON THE MISTAKEN BELIEF THAT ONCE A SCORING MATRIX APPEARS IN AN RFP, THE RESULTS IT PRODUCES ARE INVIOLEABLE.

1. PROGRAM RULES DO NOT REQUIRE APPLICANTS IN EVERY SINGLE CASE AND WITHOUT EXCEPTION TO AWARD THEIR CONTRACTS TO VENDORS WHOSE PROPOSALS RECEIVE THE MOST POINTS.

The WAN Services funding request that USAC rejected was for essential telecommunications services, and it was worth approximately \$1.72 million to the School District, a great deal of money to any organization, let alone a financially strapped, very large school system. USAC rejected it because, in its opinion, the scoring matrix locked the School District into whatever results it produced. USAC's rationale sent the District this very powerful and disturbing message:

- It was an enormous mistake for the School District to select the least expensive, most cost effective proposal.
- Taking extra steps to ensure that the School District and the E-rate program received as much value as possible for their respective dollars was a complete waste of time.
- The School District should have just taken the safe, easy route and awarded its contract to ENA, even though that would have cost the School District and the E-rate program a combined \$232,000 more every year that the contract was in effect.

Contrary to USAC, we do not believe that E-rate rules require applicants to ignore the economic realities of a situation by adhering slavishly to a mathematical result. According to USAC, if an applicant includes a scoring matrix in an RFP that assigns the most points to price, which is something every RFP for an E-rate eligible service should

include, program rules require the applicant to award its contract to whichever vendor receives the most points. Period. No exceptions. The results are inviolable, USAC explained, because program rules give applicants no leeway to modify them -- no matter how compelling the reason or reasons might be to do so. We disagree. The Commission has never adopted any such rule.

The irony in all of this is that if the School District had selected ENA, there is a good chance that, eventually, USAC would have penalized the School District for that decision too. Assume that the School District contracted with ENA. Later, during the course of an FY 2010 E-rate audit, the auditor would likely find that the School District had completely ignored its obligation to select the least expensive, most cost effective option when it selected ENA, rather than AT&T. As a result of that finding, USAC would issue a commitment adjustment, issue a demand payment letter, and the School District would be forced to pay back its funding. Thus for the School District, this was clearly a no-win situation.

2. THE SCHOOL DISTRICT COULD NOT POSSIBLY HAVE VIOLATED A PROGRAM RULE BY ACCEPTING A PROPOSAL THAT WOULD SAVE IT AND THE E-RATE PROGRAM A TOTAL OF \$232,000 PER YEAR.

Program rules do not permit USAC to substitute its judgment for applicants' when it comes to deciding, in the context of an otherwise fair and open competitive bidding process, with whom to contract. Where, as here, an applicant decides that it makes far more economic and practical sense to award its contract to the lowest-cost, most cost-effective proposal than to the one that received only one point more, USAC has no authority to second-guess the applicant's procurement decision by refusing to fund it.

USAC does not allege that the School District violated any state procurement laws by deciding to award this enormously important and expensive telecommunications contract to AT&T. Nor does USAC allege, except for the matrix issue, that the competitive bidding process was anything but perfectly fair and open. Indeed, all bidders were treated the same, no bidder had advance knowledge of the project information, and

neither vendor possessed any secret information.

Therefore, the dispositive issue is whether the Commission has ever adopted a rule that forces applicants to live with whatever results a scoring matrix generates, regardless of the outcome. In support of its decision, USAC did not cite any such rule. To the best of our knowledge and belief, no such rule exists. Since USAC's decision not to fund this request is based on a rule that does not and, for obvious reasons, should not exist, USAC's decision should be reversed.

**B. IF THE SCHOOL DISTRICT VIOLATED A PROGRAM RULE BY
SELECTING THE LEAST EXPENSIVE, MOST COST EFFECTIVE
PROPOSAL, THEN THE CIRCUMSTANCES WARRANT A WAIVER.**

If by some chance the School District actually did violate a program rule by awarding its contract to AT&T, then it did so completely unwittingly and with no intent to engage in any anti-competitive behavior. Moreover, the error, if it was one, was committed solely for the purpose of saving the School District and the E-rate program a considerable amount of money.

Therefore, we respectfully request, in the alternative, that the Commission waive its rules and fund the School District's request.⁷ The School District should not be punished for making a contracting decision that it reasonably believed was fair and legal and in the best interests of both the School District and the E-rate program. Furthermore, other applicants should not be discouraged from always doing their best to decrease the cost of E-rate eligible services, which is exactly what will happen if the Commission allows the result of USAC's decision to stand.

⁷ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166. Waiver of the Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *Network IP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008); *Northeast Cellular*, 897 F.2d at 1166.

III. CONCLUSION

The School District selected AT&T, the vendor whose proposal was by far the least expensive and most cost effective overall, even though its proposal did not come out on top on points. In the final analysis, point differential was not much of a factor, since the two proposals that the School District received were virtually even. The RFP, which USAC focused on, did not state that the proposal with the highest score would win automatically, and the points that a scoring matrix generates are not, and never should be, considered sacrosanct. No E-rate program rule prohibits an applicant from exercising the kind of reasonable contracting discretion that the School District exercised here, and indeed the School District's procurement policy actually encouraged the kind of careful evaluation process that led the School District to decide to award its contract to AT&T.

Accordingly, the School District respectfully requests that the Commission reverse USAC's decision and instruct USAC to commit to the School District the funding for WAN Services that it so desperately needs. Alternatively, the School District respectfully requests that the Commission reach the same result by waiving its rules, as it would be in the public interest to do so and because the particular facts warrant the kind of equitable outcome that only a waiver can provide.

Respectfully submitted
on behalf Atlanta Public Schools

/s/ John D. Harrington

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EXHIBIT 1

AT&T Response to WAN Pricing

FRAME RELAY SERVICES:

Frame Relay services are no longer provided by AT&T as new installs, but are still supported for customers that have an existing Frame Relay services installed. In an effort to meet Atlanta Public Schools requested bandwidth requirement, AT&T has provided cost for comparable speeds via Metro Ethernet service. AT&T would like to offer 2 Mbps Metro Ethernet Service at a rate of \$382.00 per month and 50 Mbps Metro Ethernet Service at a rate of \$810.00 per month as a robust alternative.

ZERO RATED ELEMENTS:

Basic Maintenance, Technical Support and Troubleshooting of Network:

AT&T provides basic, routine maintenance, support and troubleshooting of all AT&T circuits and AT&T owned equipment at no additional cost to Atlanta Public Schools. Anything outside of the standard maintenance will be evaluated on an individual case bases.

Training – Training is provided at no additional cost to those approved APS employees with access to the Network Management Tools.

Advanced Network Management – Referred to in Value Added Section of RFP as Metro Ethernet Reporting – AT&T has elected to waive the fee for this service for Atlanta Public Schools.

WAN BACKUP SOLUTION SERVICES:

AT&T Network – Based IP VPN Remote Access (ANIRA)

Each remote location will require either a DSL connection, wireless connection or both based on Atlanta Public Schools desired level of redundancy and failover.

The DSL modem is free for 3.0 Mbps DSL service or higher speed products. For DSL modems which utilize 1.5Mbps service, the cost shall be 25.00, if the rebate is redeemed online.

Pricing listed on the following page is based on all 94 sites being configured with a back up connection. If backup connectivity is implemented at less than 94 sites, AT&T will need to recalculate the pricing based on a reduced site deployment.

As an option and benefit to the backup solution, we can design failover with many different access technologies. The AT&T VPN (Netgate) appliance has the flexibility to terminate a wireless WAN card for added business continuity planning by eliminating terrestrial connectivity failures and leveraging our mobility infrastructure.

There are two options for implementing mobile data connectivity :

- Primary connectivity at a remote location versus broadband
- A second level of failover connectivity to the broadband service

Proposed Backup Solution

	QTY	One -Time Charge	Monthly
Backup Per Site w/ DSL Access	1	\$0.00	\$375.06
Wireless Access (Optional)	1	\$0.00	\$49.95

	Company Name			YEAR 1		YEAR 2		YEAR 3		YEAR 4		YEAR 5	
Item	E-RATE ELIGIBLE	Quantity	Unit Cost	One-time charges	Monthly recurring charges	One-time charges	Monthly recurring charges	One-time charges	Monthly recurring charges	One-time charges	Monthly recurring charges	One-time charges	Monthly recurring charges
1	Metro ethernet circuits	99	\$1,067.00	\$0.00	\$105,633.00		\$105,633.00		\$105,633.00		\$105,633.00		\$105,633.00
2	Metro ethernet circuit host site (CLL)	1	\$1,340.00	\$0.00	\$1,340.00		\$1,340.00		\$1,340.00		\$1,340.00		\$1,340.00
3	T1 frame relay circuits	8	\$0.00	\$0.00	\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
4	DS3 frame relay circuit host site (CLL)	1	\$0.00	\$0.00	\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
5			\$0.00	\$0.00	\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
6			\$0.00	\$0.00	\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
7	Basic Maintenance, Technical Support, and Troubleshooting of Network Services(ONLY)	NA	\$0.00	\$0.00	\$0.00								
8	Moves, Adds, Changes (PER)	NA	\$250.00										
9	Training	NA	\$0.00										
	SUB-TOTALS			\$0.00	#####		#####		#####		#####		#####
	NON E-RATE ELIGIBLE	Quantity	Unit Cost	One-time charges	Monthly recurring charges	One-time charges	Monthly recurring charges	One-time charges	Monthly recurring charges	One-time charges	Monthly recurring charges	One-time charges	Monthly recurring charges
1			\$0.00	\$0.00	\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
2			\$0.00	\$0.00	\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
3			\$0.00	\$0.00	\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
4			\$0.00	\$0.00	\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
5			\$0.00	\$0.00	\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
	SUB-TOTALS			\$0.00	\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
	TOTALS			\$1,283,676.00		\$1,283,676.00		\$1,283,676.00		\$1,283,676.00		\$1,283,676.00	
	Value Added Benefits (list below)	Quantity	Unit Cost	One-time charges									
1	Advance network management (if available)	NA	\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
1	Metro ethernet circuit (additions as needed)	1	\$1,067.00	\$0.00									
2	T1 frame relay circuit (additions as needed)	1	\$0.00	\$0.00									
3													
4													
5													

EXHIBIT 2

Company Name: ENA Services, LLC				YEAR 1		YEAR 2		YEAR 3		YEAR 4		YEAR 5	
E-RATE ELIGIBLE		Quantity	Unit Cost	One-time charges	Monthly recurring charges	One-time charges	Monthly recurring charges	One-time charges	Monthly recurring charges	One-time charges	Monthly recurring charges	One-time charges	Monthly recurring charges
1	Metro ethernet circuits - 100mb	99	\$1,200.00	\$0.00	\$118,800.00		\$118,800.00		\$118,800.00		\$118,800.00		\$118,800.00
2	Metro ethernet circuit host site (CLL) - 1 gb	1	\$2,300.00	\$0.00	\$2,300.00		\$2,300.00		\$2,300.00		\$2,300.00		\$2,300.00
3	T1 frame relay circuits	8	\$400.00	\$0.00	\$3,200.00		\$3,200.00		\$3,200.00		\$3,200.00		\$3,200.00
4	DS3 frame relay circuit host site (CLL)	1	\$2,000.00	\$0.00	\$2,000.00		\$2,000.00		\$2,000.00		\$2,000.00		\$2,000.00
5													
6													
7	Basic Maintenance, Technical Support, and Troubleshooting of Network Services (ONLY)	NA	\$0.00	\$0.00	\$0.00								
8	Moves, Adds, Changes (PER)	NA	\$0.00										
9	Training	NA	\$0.00										
SUB-TOTALS				\$0.00	\$126,300.00		\$126,300.00		\$126,300.00		\$126,300.00		\$126,300.00
NON E-RATE ELIGIBLE		Quantity	Unit Cost	One-time charges	Monthly recurring charges	One-time charges	Monthly recurring charges	One-time charges	Monthly recurring charges	One-time charges	Monthly recurring charges	One-time charges	Monthly recurring charges
1	None			\$0.00	\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
2				\$0.00	\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
3				\$0.00	\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
SUB-TOTALS				\$0.00	\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
TOTALS				\$126,300.00		\$126,300.00		\$126,300.00		\$126,300.00		\$126,300.00	
Value Added Benefits (list below)		Quantity	Unit Cost	One-time charges									
1	Advance network management	NA	\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
1	Metro ethernet circuit (additions as needed)	1	\$1,200.00	\$0.00									
2	T1 frame relay circuit (additions as needed)	1	\$400.00	\$0.00									
4	Additional Training (per hour)	1	\$100.00	\$0.00									
5	WAN equipment	per site	\$0.00	\$0.00	\$0.00								
6													
Notes to Pricing													
Item	Comment												
1,2,3,4	Customer premise must be ready to receive service at demark including applicable conduit, electrical and other on-site facilities												
7	ENA's service includes basic maintenance, technical support and troubleshooting of network services at no added cost												
7	ENA's service includes ENA's monitoring and management of our services at no added cost												
8	Moves, adds and changes related to WAN network service including on-site work will be performed at no additional cost as part of ENA's WAN service. Moves of circuits to new addresses may require a one-time charge based on the specific situation.												
9	ENA provides basic training on use of ENA's systems and tools that are part of the ENA service at no cost.												

Atlanta Public Schools
Cost Proposal - Optional and Alternative Services

Service	Monthly Price	Note
1 gb fully managed service	\$ 2,300	1
Internet Access - 20mb	\$ 2,000	
Internet Access - incremental	\$ 45 per 1 mb	
Hosted Firewall Service - district	\$ 3,000	
E-Mail Service	\$1.50 per account	
Engineering Support Services	\$125 per hour	2
Voice Services	See table below	
Video Conferencing Services	See table below	
E-Mail Enhanced Services	See table below	

Notes

All pricing will be agreed upon between ENA and the customer before services are installed

Customization and advanced configurations are available.

- 1 1 gb service subject to availability and evaluation of any site construction/make ready costs
- 2 For support services/consulting beyond ENA's WAN service. Project based pricing and bulk purchase discounts are available.

Additional Optional Services Video Conferencing	Cost
Full Managed Video Conferencing Service	\$45 per hour per port
Video Conference Recording	\$45 per conference
DVD Creation of Conference	\$45 per DVD
ENA CILC Video Conferencing Content, Professional Development and Training Packages:	
1. School Package	\$2,250 to \$5,500 per school
2. School Corporation Package	\$4,200 to \$13,000 per school corporation
Engineering Support Services (Consulting)	\$125 per hour

Additional Optional Services E-Mail Archiving	Cost
Archiving Current Year	\$7 per year, per account
Archiving Setup Fee (External Systems)	\$1,000 one-time
Data Warehousing (per year of data)	\$2 per year, per account
Importing Prior Data for Archive	\$4 per year, per account
Prior Data Warehousing Cost	\$4 per year, per account
Pass-thru Spam and Virus Control	\$5 per year, per account
Spam and Virus Control Set-up Fee	\$1,000 one-time

ENA Services, LLC

See the **Optional Services** section of this Proposal for detail of voice services.

The following schedule shows ENA's current detailed voice services price list.

Certain service options will change over the life of the contract as technology changes; For example, available handsets.

ENA Daltone Connect

All ENA Daltone Connect connections (Analog & PRI & IP Trunk) include the following: Unlimited local and domestic LD at no extra charge. The following features are all included at no extra charge: Annoyance Call Trace, Blacklist/Whitelist Dialing, Call Waiting, Caller ID, Caller ID Block/Unblock, DID, Hunt Groups, MWI, and user-controlled Caller ID restriction.

Service - TIER 1****	One-time	Monthly
Analog Connection -- Includes one analog line equivalent and one phone number per line. Local Number Portability (LNP) included at no extra charge. Cannot be used for FAX, modem, or alarm lines.		\$45.00
PRI Connection -- Full 23-channel PRI. 23 numbers included at no extra charge. LNP included at no extra charge.		\$575.00
IP (SIP) Trunk -- Minimum 100 ports/channels - price per channel		\$22.00
CO-powered POTS line		\$65.00
Voice Mail - per mailbox - Minimum 25 mailboxes per customer		\$10.00
Demarc Extensions -- Extensions from ENA Demarc to PBX/Key System - hourly rate	\$125.00	
Additional Telephone Numbers***		\$2.00
USF and Government Fees Estimate - Based on monthly voice service		7%
911/E-911 Local Government Fees - Based on location		\$1.00
<i>*USF fees & taxes, 911 local county taxes, 411 (Directory Assisted) Calls, International & non-Continental US LD, and 900/976 calls are billed in addition to the flat monthly rate. See miscellaneous charges for per call & per minute charges not included. **By Default, Service comes w/ International LD, 900/976 Calls disabled. International LD can be re-enabled upon customer request. 411 Calls can be disabled upon customer request. *** Availability and rates for additional telephone numbers vary per LATA. Please see your ENA Account Manager for more details. Additional numbers are available with Daltone Connect PRI and IP Trunking service</i>		
Service - TIER 2****	One-time	Monthly
Analog Connection -- Includes one analog line equivalent and one phone number per line. Local Number Portability (LNP) included at no extra charge. Cannot be used for FAX, modem, or alarm lines.		\$50.00
PRI Connection -- Full 23-channel PRI. 23 numbers included at no extra charge. LNP included at no extra charge.		\$700.00
IP (SIP) Trunk -- Minimum 100 ports/channels - price per channel		\$27.00
CO-powered POTS Line		\$65.00
Voice Mail - per mailbox - minimum 25 mailboxes per customer		\$10.00
Demarc Extensions -- Extensions from ENA Demarc to PBX/Key System - hourly rate	\$125.00	
Additional Telephone Numbers***		\$2.00
USF and government fees estimate - Based on monthly voice service		7%
911/E-911 Local Government fees - Based on location		\$1.00
<i>*USF fees & taxes, 911 local county taxes, 411 (Directory Assisted) Calls, International & non-Continental US LD, and 900/976 calls are billed in addition to the flat monthly rate. See miscellaneous charges for per call & per minute charges not included. **By Default, Service comes w/ International LD, 900/976 Calls disabled. International LD can be re-enabled upon customer request. 411 Calls can be disabled upon customer request. *** Availability and rates for additional telephone numbers vary per LATA. Please see your ENA Account Manager for more details. Additional numbers are available with Daltone Connect PRI and IP Trunking service **** Tier 1 pricing is not available in all markets. Tier 2 pricing is available in most markets.</i>		

ENA Connect

All ENA Connect services include the following: On-line user interfaces, Administrator's portal, and Local Number Portability (LNP) at no extra charge.

Service	One-time	Monthly
Hosted PBX Extension Types		
ENA Connect Lite		\$15
ENA Connect Basic		\$25
ENA Connect Plus		\$35
ENA Connect Pro		\$45
ENA Connect Loud Ringer		\$30
ENA Connect Attendant Console		\$45
ENA Connect Auto Attendant		\$40
Extension for Integration with existing Intercom/Paging/Door Locks		\$30
CO-Powered POTS Line		\$65
USF and government fees estimate - Based on monthly voice service		7%
911/E-911 Local Government fees - Based on location		\$1.00
Site Startup Bundle (per site)**	\$1,500.00	
** Site startup bundle includes Administrative Training, up to one day of end user training, Site Assessment, site turn-up project management, and 30 day burn in period		
Add On Features		
Local Call Recording (Polycom IP 650/670 only)		\$5.00
Voice Mail - per mailbox - minimum 25 mailboxes per customer		\$10.00
Organizational Directory on Phones (LDAP integration) per phone	\$10.00	
Engineering Consulting for LAN/WAN/PBX integration w premise systems (hourly rate)	\$125	
Additional Training		
End User/Attendant Console/Phone Training - half day	\$600	
End User/Attendant Console/Phone Training - full day	\$1,000	
Configuration		
Basic PBX/Extension Configuration or Change (available via Administrator's portal)	\$10	
Advanced Virtual PBX Configuration (available via Administrator's portal) - hourly rates	\$125	
Virtual PBX Configuration (*NOT* available via Administrator's portal)	Included	
911 Configuration and Changes	Included	

ENA Connect - Phones/Handsets		
IP Handsets & ATAs		
POE Powered Handsets (no AC adapter included)		
ENA Connect Polycom 320 or equivalent (POE only)	\$120	
ENA Connect Polycom 330 or equivalent (POE Only)	\$145	
ENA Connect Polycom 450 or equivalent (POE Only)	\$225	
ENA Connect Polycom 560 or equivalent (POE Only)	\$320	
ENA Connect Polycom 670 or equivalent (POE Only)	\$415	
Handsets w/ AC Power Adapter Included		
ENA Connect Polycom 320 or equivalent (w/ Power Supply)	\$135	
ENA Connect Polycom 330 or equivalent (w/ Power Supply)	\$160	
ENA Connect Polycom 450 or equivalent (w/ Power Supply)	\$240	
ENA Connect Polycom 550 or equivalent (w/ Power Supply)	\$265	
ENA Connect Polycom 560 or equivalent (w/ Power Supply)	\$340	
ENA Connect Polycom 650 or equivalent (w/ Power Supply)	\$320	
ENA Connect Polycom 670 or equivalent (w/ Power Supply)	\$435	
ENA Connect Polycom 4000 IP Conference Phone (w/ Power Supply)	\$750	
ENA Connect Polycom 6000 IP Conference Phone (w/ Power Supply)	\$690	
ENA Connect Analog Telephony Adapter (for using Analog phones w/ ENA Connect)		\$5
All Phones and ATAs include configuration, testing, and ground shipping		
On Site Phone Installation - minimum of 20 phones (per phone)	\$15	
Accessory Items (includes ground shipping)		
ENA Polycom Soundpoint Expansion Module for 650 (backlit)	\$195	
ENA Polycom Soundpoint Expansion Module for 670 (color)	\$220	
Power Supply for Soundpoint IP 320/330/550/650	\$25	
Power Supply for Soundpoint IP 450	\$25	
Power Supply for Soundpoint IP 560	\$30	
Power Supply for Soundpoint IP 670	\$30	
Plantronics Electronic Switch Hook Adapter for Headset	\$70	
Warranties		
1 Year Advanced Replacement Warranty	Included	
<p>*USF fees & taxes, 911 local county taxes, 411 (Directory Assisted) Calls, International & non-Continental US LD, and 900/976 calls are billed in addition to the flat monthly rate. See miscellaneous charges for per call & per minute charges not included.</p> <p>**By Default, Service comes w/ International LD, 900/976 Calls disabled. International LD can be re-enabled upon customer request. 411 Calls can be disabled upon customer request.</p> <p>***Phone models and pricing subject to change.</p>		
Total Ordered Services - ENA DialTone Connect and ENA Connect		
Miscellaneous Per Use Charges -- ENA Connect & Dialtone Connect		
Service	One-time	Monthly
International LD & Domestic LD to Alaska, Hawaii, and US territories	Tariff rate/minute	
411/Directory Information Calls - per call		\$1.00
Other Call Types		
1-900 Calls	Not Available	
Operator Assisted Dialing	Note 1	
1-800 Number - First 100 minutes included; extra minutes at \$0.04 per minute		\$10.00
Toll Free Directory Listing		\$15.00
1-800 number service requires purchase of ENA Connect or Dialtone Connect services		
Phone Services - Changes, Replacement, Returns		
Phone/Handset Configuration Change	\$10	
Replacement Shipping & Handling	\$25	
Note 1 - Availability and rates for Operator Assisted Calls vary per LATA. Please see your ENA Account Manager for more.		

EXHIBIT 3

Atlanta Public Schools
Wide Area Network Services Re-bid
011310-WAN

	A	B	C	D	E
1		Evaluator Number :011310-WAN (Wide Area Network) Re-bid	Points	AT&T Corporation	ENA Services LLC
2		Section 1 – Company Qualifications and Experience	15		
3	A	Qualifications and Experience			
4	1	Briefly describe how long your company has been in business providing the goods and services specified in this solicitation. Take note if they provide evidence.	3	3.00	2.75
5	2	Evaluate the offerors degree of utilization of subcontractors on this project. Make note of the percent of work will be performed by their own employees.	3	2.75	2.75
6	3	Evaluate the offerors resumes of key personnel which include qualifications, certifications, education and responsibilities that will be assigned to this project.	3	0.25	2.49
7	B	References			
8	4	Provide three (3) references from organizations similar to APS for which your company is currently providing services similar to the specifications of this solicitation. They should provide contact information and a description of when the services were provided.	3	0.74	3.00
9	5	Evaluate the certifications or licenses held by the offeror as it relates to the services of this solicitation.	3	0.50	2.75
14		Section 2 – Methodology / Operations	40		
15	A	Evaluate the offerors implementation program and maintenance schedule. Did they address warranty and non-warranty services.	1.54	1.28	1.41
16	B	Evaluate the offerors operational plan that describes how the solution will be managed once it is installed.	1.54	1.41	1.41
17	C	Evaluate the offerors post-implementation support they will make available to APS.	1.54	1.41	1.41
18	D	Evaluate the offerors training program for APS Technical staff at the completion of this implementation	1.54	1.28	1.28
19	E	Evaluate the offerors hiring process that should include recruiting, screening and training of employees.	1.54	1.15	1.28
20	F	Evaluate the offerors start up plan for this project.	1.54	1.41	1.41
21					
22	G	Evaluate the offerors procedures for routine and emergency request for equipment service.	1.54	1.28	1.28
23	H	Evaluate the offerors procedures for customer complaint resolution.	1.54	1.15	1.28
24	I	Evaluate the offerors experience in working with the Schools and Libraries Division of USAC.	1.54	1.41	1.41
25	J	Evaluate the offerors plan to keep up-to-date on new E-Rate rules and modifications to existing ones, during the lifetime of this contract.	1.54	1.54	1.41
26	K	Evaluate the offerors procedures for someone wishing either to add or delete an item of equipment to/from the project.	1.53	0.89	1.14
27	L	Evaluate the offerors plan for operations and customer service: Its capacity of analyzing APS current equipment maintenance situation and making recommendations concerning equipment maintenance, cost savings, replacements, etc.	1.54	1.02	1.28
28	M	Evaluate the sample reports submitted under section 3.1.5. These reports should include items listed in section 6.14.4 page 15.	1.53	1.40	1.27
31	6.17	Section 5 Technical Questionnaire	20	20.00	20.00
32					
33		Section 3 – Pricing	40		
34	A	Provide pricing on the APS proposal form which is included in this solicitation.	40	40.00	33.88
35					
36		Section 4 – Value Added Benefits	5		
37	A	Evaluate the offerors Submitted list with detailed description of any value added benefits your company can offer APS	5	3.75	3.75
38		Total	100.00	87.60	88.61

EXHIBIT 4

**Board Policy
Purchasing Authority****Descriptor Code: DJEA**

The Atlanta Public Schools (APS) must buy supplies, services, and construction from the business community to operate. The Atlanta Board of Education shall appropriate funds that will be used, pursuant to administrative regulations set forth by the Superintendent, to procure the required goods and services, in accordance with the following stipulations:

1. The authority to purchase, i.e. the authority to obligate district funds to an agency outside of the APS, is vested in the Superintendent, with the authority to purchase or contract to purchase materials, supplies, equipment, and services; to lease equipment and facilities necessary for educational programs and district operations; and to contract for renovations and construction. All such purchases and/or contracts shall be awarded contingent upon the availability of unrestricted funds in the approved operating or capital budget. All contracts must be signed by the Superintendent or his/her designee.
2. All district employees shall encourage and promote, on an inclusionary basis, contracting opportunities for all businesses, without regard to race, color, sex, religion, national origin, marital status, sexual orientation, age, or disability.
3. All contractors and vendors desiring to do business with the APS and/or to participate on APS contracts shall be required to comply with Board policy GAG, Staff Conflict of Interest. All vendors and contractors doing business with the APS shall provide all persons with equal opportunity without regard to race, color, sex, religion, national origin, marital status, sexual orientation, age, or disability.
4. All purchases and contracts for goods and services shall be made through the APS competitive process except for the following:
 - Purchases made through existing contracts or bids that have been established through a competitive selection process by another local, state or federal governmental agency.
 - Purchases of items and services that are only available from one source (excludables), such as:
 - a. Regulated utilities
 - b. MARTA passes
 - c. Postage
 - d. Organizational/professional memberships
 - e. Conference registration fees
 - f. Certain periodical subscriptions available only from the publisher
 - g. Notices required by law to be published in specific newspapers
 - h. Testing materials from the test publisher or licensed agent
 - i. Maintenance agreements from the original vendor or authorized agent when the same cannot be competitively bid
 - j. Specific items mandated by state or federal agencies
 - k. Comprehensive school reform models approved by the United States Department of Education and selected by the Superintendent and materials and support services provided by these vendors on an on-going basis
 - Sole Source Purchases – Sole source purchases are defined as those purchases of goods or services that can only be obtained from one source in the marketplace. Such goods or services will usually be of a unique nature and have performance characteristic and/or other attributes that can only be obtained from that source.
 - Single Source Purchases – Single source purchases are defined as those purchases of goods or services that, for a justifiable reason such as compatibility or standardization, are obtained from one source among others in a competitive marketplace.
 - Transactions valued under \$2,000 for any item or group of items.
 - Emergency purchases, as described in section 7 of this policy.
5. All purchases and contracts for goods and services, except those excluded in section 4 of this policy, shall be subject to the following competitive procedures:
 - Purchases of any item or group of items with a value of \$2,001 to \$25,000 require at least four (4) quotes.
 - Purchases exceeding \$25,000 require a formal solicitation conducted by Procurement Services.
 - The district reserves the right to reject all bids when such action is in the best interest of the district.
6. Capital project contracts with a total annual value of \$200,000 or greater, consultant contracts with a total annual value of \$50,000 or greater, and all other contracts with a total annual value of \$100,000 or greater must be approved by the Board.
7. Emergency purchases of supplies or contracted services may be made when the Superintendent or her/his designee determines that an emergency exists that threatens the health, welfare or safety of students, staff members, the district or the public. Such emergency procurements shall be made with as much competition as is practicable under the circumstances. At the regular legislative meeting the next month following an emergency purchase, the Board shall receive a written report of all emergency procurements including the basis for the emergency, the selection process for the provider, the amount and type of the contract or purchase, and a listing of the goods or services procured under the contract or purchase.
8. Except as otherwise provided by general law, no elected official, appointed officer, or employee of the APS or any office, department, or agency thereof shall knowingly violate the ethics requirements described in Board policies BH, Board Ethics; CB, Administrative Personnel Ethics; GAG, Staff Conflict of Interest; and GAGB, Gifts to Staff.

9. An agreement that is made by any APS employee who lacks the authority to enter into the agreement on behalf of APS shall not be binding upon APS. Any contract entered into by an APS employee outside the provisions of this policy shall be of no effect and void. Any APS employee who purchases or causes to be purchased goods or services outside the provisions of this policy and its implementing regulations may be deemed personally liable for the cost thereof and may be subject to appropriate disciplinary action up to and including termination.

Exceptions

Nothing in this policy shall be construed to contradict any other Board policy.

Conformance with other Laws

No provision of the purchasing, contracting, and leasing policy shall be deemed to permit any expenditure of public education revenues outside the parameters of applicable state or federal laws.

This policy shall be effective July 6, 2009.

Atlanta Public Schools

Last Revised: 07/06/2009

Atlanta Public Schools

Date Adopted: 3/11/1985
Last Revised: 7/6/2009

Georgia Code Description

O.C.G.A. 20-02-0109 Duties of superintendents

O.C.G.A. 20-02-0168 Distribution of federal funds; summer school programs; year-round operation

O.C.G.A. 20-02-0270 Establishment of statewide RESAs

O.C.G.A. 20-02-0503 Purchasing educational information, literature and services

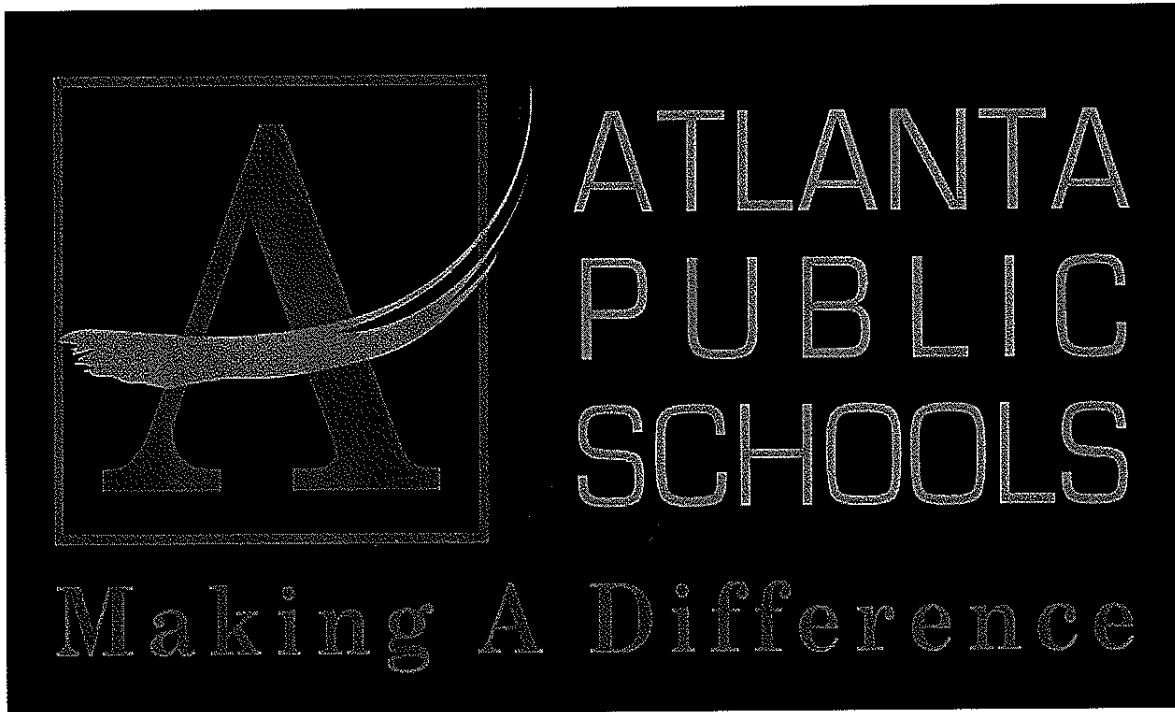
O.C.G.A. 20-02-0506 Authority to enter into multiyear lease, purchase or lease purchase contracts

O.C.G.A. 50-05-0070 Purchases for county boards of education

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Atlanta Public schools

Procurement services



Purchasing Procedures manual

evaluating request for proposals

1. Develop Evaluation Criteria based on the items listed in the Solicitation
 - Develop score sheet based on the evaluation criteria allowing for a maximum of 100 points. (Criteria should be identified in the solicitation)
 - Price should always be the single highest scoring component
 - All points should be based on the factors identified in the solicitation
2. Review and approve evaluation document
3. Select the evaluation team with assistance of contract owner and concurrence of Director of Procurement Services
 - The evaluation team should consist of three to five members
 - Seek the involvement of school-based personnel
 - Team members should have some expertise in some subject matter related to the evaluation
 - Director of Procurement Services concurrence must be in writing
4. Develop a bid tabulation scoring matrix template
 - Include the assigned number of each evaluator at the top of the spreadsheet
 - Indicate scoring criteria at the left of the spreadsheet
5. Establish evaluation date after consultation with the Purchasing Director, and notify each member of the evaluation team
6. Convene evaluation meeting
 - Each member of the evaluation team must sign a confidentiality statement prior to beginning evaluation
 - Verbally discuss evaluation guidelines with total group. Guideline discussion to include:
 - a) Confidentiality
 - b) dependent ratings
 - Provide copies of evaluation form for each member
 - Provide each member with a copy of the solicitation and of each response to solicitation
 - Provide each member with a copy of the solicitation protocol (see solicitation protocol attachment)
 - Assign each evaluator a number and instructs that evaluator number be placed on each rating sheet.
 - Agent makes a roster of all evaluators and their assigned numbers
 - Purchasing Agent collect all notes and materials related to evaluation
7. The purchasing assistants will transfer the exact scores into the bid tab template
 - Add each column horizontally and vertically and obtain totals (Totals are required for each evaluator and each category)
 - Print spreadsheet. The purchasing agent and assistant will sign the spreadsheet as a verification of accuracy.

8. Prepare an evaluation summary by determining lowest responsive and responsible bidder and make recommendation to the Director of Procurement Services
 - Determine who has the lowest cost
 - Determine who received the highest scores if applicable
 - Determine if the individual/firm can actually perform the work
9. Review evaluation summary and forward to Owners Representative for a recommendation

Attachment 2

SOLICITATION PROTOCOL

For APS Employees and Consultants

Applicability: applicable to all APS employees and APS consultants working on behalf of APS in the preparation of formal or informal solicitations.

Authority: Board Policy DJEA, Purchasing Authority, paragraph entitled "*Implementing Regulations*"

1. No staff person shall speak with any vendor or individual regarding a solicitation that is being developed or out for consideration unless at a pre-bid conference scheduled by the Purchasing Department or to obtain information for the preparation of a solicitation. Obviously, one continues to manage projects with existing vendors for current work. This restriction applies to the new solicitation which is not to be discussed with the existing vendor
2. Once an end-user provides specifications to Purchasing an automatic "quiet period" immediately commences and remains in effect until after the execution of a contract resulting from that solicitation.
3. Any end user that is contacted by a vendor/offeree must inform the vendor of the district protocol that all questions must and only be posed to the assigned purchasing agent of the director of purchasing. They must also notify the Assigned Purchasing Agent of this contact immediately.
4. Purchasing will receive all bids and coordinate the tabulation and/or evaluation of all bids. Non-employees may not participate in meetings regarding solicitations (evaluations of such) without the express written permission of the purchasing director.
5. Once bids are evaluated and/or tabulated, the budget center manager will be notified of the results and their recommendation for award will be requested.
6. The Budget center manager will send a recommendation to purchasing in writing. With the concurrence of the Director of Procurement Services, an action item will be developed for submittal to the Chief Financial Officer, and Superintendent, who has the responsibility for making a recommendation to the Atlanta Board of Education for approval.
7. Once the Board of Education authorizes the superintendent to enter into a contract, the appropriate documentation will be submitted to the General Counsel's office for the development and or review of a formal contract if appropriate.

The Assigned Purchasing Agent will schedule a **Purchase Order AWARD** meeting within 10 days of approval and a subsequent **NOTICE TO PROCEED** meeting will be scheduled after the formal signing of all contractual documents if required.

EXHIBIT 5

ATLANTA PUBLIC SCHOOLS
Wide Area Network Services, Re-bid

6.17 Section 5 – Technical Questionnaire

6.17.1 Complete and return with your proposal the Technical Questionnaire that is a separate Excel spreadsheet. You must provide an answer (yes or no) on each line. A yes indicates that you can comply with the requirement. A no indicates that you cannot comply with the requirement. To be considered for full points, please respond to ALL questions.

7.0 EVALUATION

7.1 To be entitled for consideration, proposals shall be presented in accordance with the instructions of this solicitation and within the timeframe specified. It shall be the responsibility of the awarded vendor to meet all specifications and guidelines set forth herein.

7.2 An APS evaluation committee will evaluate each proposal properly submitted. APS, at its sole discretion, determines the criteria and process whereby proposals are evaluated and awarded. No damages shall be recoverable by any challenger as a result of the determinations or decisions by APS.

7.3 Although proposals that do not contain pricing information will not be considered for an award, Atlanta Public Schools reserves the right to evaluate proposals on the non-price related criteria only. Proposals that do not meet at least 70% of the non-price criteria may not have price evaluated as a criterion.

7.4 The formula used to evaluate Price is as follows:
(Lowest price / price of proposal being evaluated) x points available for price = score

7.5 Proposals will be evaluated on the following criteria:

- | | |
|---|----|
| • Company qualifications and experience | 15 |
| • Methodology / operations | 20 |
| • Technical Questionnaire | 20 |
| • Price | 40 |
| • Value-added benefits | 5 |

NOTE: E-Rate program rules require that the cost of E-Rate eligible goods and services be given the highest weighting in the vendor selection process. To be considered for full points in each category, please answer all questions in the Pricing and Technical Questionnaire forms.

8.0 AWARD

8.1 Please be advised that it is the policy of the Atlanta Public Schools that all contracts be awarded without regard to the race, color, sex, religion, national origin, marital status, sexual orientation, age, or disability of the offeror.

8.2 This contract shall be for one (1) base year with 4 one-year available options to renew at the sole discretion of the Superintendent of APS. The contract will be conditional upon the Offeror's ability to comply with requirements set forth in the solicitation documents.

8.3 Offeror shall not begin work without a purchase order issued by APS's Procurement Services Department.

8.4 APS has selected as its owner's representative, the IT Director, Operational Technology and Telecom. Supervision of the contract will be performed by the owner's representative or his/her designee.

EXHIBIT 6

Item 2

FRN 2069798:

Based on the documentation you provided during the Selective Review, FRN 2069798 will be denied because the winning vendor was not selected in accordance with the process listed in the vendor selection documentation provided during the review. Although price was given the highest points, the vendor selected was not the one with the highest total score overall. You did not adhere to your own criteria in the vendor selection process. Applicants must select the most cost-effective provider of the desired products or services eligible for support, with price as the primary factor.

If the FRN should not be denied and you have alternative information, please provide the supporting documentation.

Item 2 Response

The District does not agree that this funding request should be denied. Please find attached the District's response supporting the vendor selection process.

Jessica Olsen
Selective Reviewer
USAC, Schools and Libraries Division
jolsen@sl.universalservice.org

Re: E-Rate Special Compliance Review Information Request Funding Year 2010
AT&T Wide Area Network - RFP # 011310/FRN 2069798

Ms. Olsen:

This letter shall serve as a response to your July 7, 2010 facsimile to Randall Sellers of Atlanta Public Schools ("APS"), in which you seek alternative information to support FRN 2069798. In addition to the information previously provided on June 25, 2010, conferences with staff and a review of documentation relating to the selection of AT&T Corporation ("AT&T") reveal that APS followed USAC's E-Rate guidelines, including Step 4 under "Schools and Libraries Applicants" on USAC's website.

According to Step 4 under USAC's guidelines, "applicants must select the most cost-effective provider of the desired products or services eligible for support, with price as the primary factor." (See attachment A). As such, (1) price must be the primary criteria evaluated during APS's evaluation of bid proposals, and (2) cost-effectiveness must also be assessed for each service provider.

While price may be easily compared and evaluated among bid proposals, the cost-effectiveness of specific goods and services comprising Information Technology ("IT") is more difficult to measure. APS therefore considered (1) information about the technical impact of services and programs, (2) their associated costs, and (3) the potential expenses related to technical and administrative risks of such goods and services (such as the life expectancy of equipment, reduced training costs and management of service repairs, and potential disruptions). These three pieces of information constitute a "complete" analysis of cost-effectiveness.

As more specifically set forth below, and as required by USAC guidelines, APS considered the price and cost-effectiveness of each bid proposal, first and foremost, in its selection of AT&T as the successful bidder. USAC is therefore urged to reconsider its proposed denial of FRN 2069798.

Selection of the AT&T WAN Proposal - RFP # 011310/FRN 2069798

APS adhered to a fair and honest selection process and followed the E-Rate program rules in selecting AT&T for RFP # 011310. First, APS assigned "cost" the greatest weight in the vendor selection process. (See attachment B, § 7.5 of the RFP). Indeed, price was allocated 40 points, a higher value than any other single category used for the evaluation, and ultimately APS selected AT&T because of the 6.12 point difference in the pricing proposals submitted between AT&T and ENA Services LLC ("ENA"). (See attachment C).

In addition, APS used the cost-effectiveness analysis described above in evaluating RFP # 011310 and looked at several factors: lowest cost; wide area network (“WAN”) service requirements; onsite services; required moves, additions, and changes; software services; maintenance and technical support; training and implementation service levels; company qualifications; company experiences; methodology; and operations. This analysis provided information about the relative value of the goods and services offered by AT&T and ENA in implementing APS’s WAN. In the end, and given the factors listed below, AT&T represented the most cost-efficient vendor:

Lowest Cost – The AT&T proposal represented the lowest cost to APS by \$250,000/year. Also, by continuing business with AT&T, APS saved on transition costs as no additional efforts were required of APS personnel either technically, in support of a new provider, or administratively, in terms of the finance staff’s handling of billings and other paperwork.

Company qualifications and experience—AT&T is the incumbent provider for APS and the major service provider in Atlanta. Other providers would have to purchase service from AT&T to resell it to APS.

Methodology/Operations—The AT&T solution eliminated interruption to APS instructional and business environments by not requiring a change. It was also the simplest solution. For example, if another carrier reselling AT&T services had been selected, and an outage occurred, APS would contact the carrier who would have to contact AT&T for repair. This two-tiered approach to service would have been difficult to manage and typically resulted in longer than necessary service disruptions.

It is important to note that this cost effectiveness analysis complies with APS policy. As a means to ensure that APS makes the most cost-effective selection in procurement, APS “reserves the right to reject all bids when such action is in the best interest of the district” in procuring goods or services. (See attachment D). There is nothing in APS’s vendor selection process that states that the procurement policy requires APS to select the vendor with the highest score. Instead, this procurement policy, which is governed by the Board of Education’s DJEA policy, in essence gives discretion to the heads of the departments to make the final selection of the goods or services being procured based on other information that may not be available to a diverse evaluating team, such as the specific department’s main priority with respect to the item being procured in combination with that department’s budget and APS’s overall objective with respect to the specific procurement of the good and/or service.

The goal of competitive bidding is to have as many bidders as possible respond to a Form 470, RFP, or other solicitation method so that the applicant can receive better service and lower prices. Also, USAC requires that the competitive bidding process must be fair and open. “‘Fair’ means that all bidders are treated the same and that no bidder has advance knowledge of the project information. ‘Open’ means there are no secrets in the process – such as information shared with one bidder but not with others – and that all bidders know what is required of

them.” (See attachment E). APS did not violate the competitive bidding process in selecting AT&T Corporation. All bidders were treated the same, no bidder had advanced knowledge of the project information, and neither vendor possessed any secrets in the process. We remain committed to ensuring the integrity of the program.

The final decision of selecting AT&T was based foremost on price, as USAC guidance requires, and the department’s budget considerations. After reviewing the bid evaluation the AT&T solution presented the lowest cost to APS by \$250,000/year. Additionally, the difference between AT&T and ENA’s final overall score was a 1.01 point difference in favor of ENA which occurred primarily because of the evaluation of criteria other than price.

APS used price as the primary factor in the evaluation process and final overarching consideration, as USAC guidance requires, when selecting AT&T for RFP # 011310. The final score with respect to price was 40 points for AT&T and 33.88 points for ENA, which is a 6.12 point difference. We wholeheartedly stand by our selection of AT&T as being selected according to USAC’s mission and guidelines under the E-Rate program. We remain committed to ensuring the integrity of the program.

If you are in need of additional information or supplemental documentation, please let me know.

ATL 17,668,454v4 7-28-10



Step 4: Select the Most Cost-Effective Service Provider

Applicants must select the most cost-effective provider of the desired products or services eligible for support, with price as the primary factor.

Waiting Period. At the conclusion of the 28-day waiting period after the *Description of Services Requested and Certification Form* (Form 470) is posted on the USAC website, the applicant may select a vendor for tariffed or month-to-month services or execute a contract for new contractual services.

Bid Evaluation. Applicants must construct an evaluation for consideration of bids received in response to the posting of the Form 470 that makes price the primary factor in the selection of a vendor.

Contract Guidance. Applicants may also choose vendors from a State Master Contract, execute multi-year contracts pursuant to a Form 470, and enter into voluntary contract extensions, but certain additional contract requirements apply. In all cases, applicants must comply with state and local procurement laws.

Document Retention. Applicants must save all documentation pertaining to the competitive bidding process and vendor selection for five years. Applicants must certify and acknowledge on the Form 470 and the *Services Ordered and Certification Form* (Form 471) that they may be audited and that they must retain all records that can verify the accuracy of information provided.

Step 3 Open a Competitive bidding Process

Step 5 Calculate the Discount Level

Last modified on 2/22/2008

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ATLANTA PUBLIC SCHOOLS
Wide Area Network Services, Re-bid

6.17 Section 5 – Technical Questionnaire

6.17.1 Complete and return with your proposal the Technical Questionnaire that is a separate Excel spreadsheet. You must provide an answer (yes or no) on each line. A yes indicates that you can comply with the requirement. A no indicates that you cannot comply with the requirement. To be considered for full points, please respond to ALL questions.

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- | | |
|---|----|
| • Company qualifications and experience | 15 |
| • Methodology / operations | 20 |
| • Technical Questionnaire | 20 |
| • Price | 40 |
| • Value-added benefits | 5 |

NOTE: E-Rate program rules require that the cost of E-Rate eligible goods and services be given the highest weighting in the vendor selection process. To be considered for full points in each category, please answer all questions in the Pricing and Technical Questionnaire forms.

8.0 AWARD

8.1 Please be advised that it is the policy of the Atlanta Public Schools that all contracts be awarded without regard to the race, color, sex, religion, national origin, marital status, sexual orientation, age, or disability of the offeror.

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Atlanta Public Schools
Wide Area Network Services Re-bid
011310-WAN

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1		Evaluator Number :011310-WAN (Wide Area Network) Re-bid	Points	AT&T Corporation	ENA Services LLC
2		Section 1 – Company Qualifications and Experience	15		
3	A	Qualifications and Experience			
4	1	Briefly describe how long your company has been in business providing the goods and services specified in this solicitation. Take note if they provide evidence.	3	3.00	2.75
5	2	Evaluate the offerors degree of utilization of subcontractors on this project. Make note of the percent of work will be performed by their own employees.	3	2.75	2.75
6	3	Evaluate the offerors resumes of key personnel which include qualifications, certifications, education and responsibilities that will be assigned to this project.	3	0.25	2.49
7	B	References			
8	4	Provide three (3) references from organizations similar to APS for which your company is currently providing services similar to the specifications of this solicitation. They should provide contact information and a description of when the services were provided.	3	0.74	3.00
9	5	Evaluate the certifications or licenses held by the offeror as it relates to the services of this solicitation.	3	0.50	2.75
14		Section 2 – Methodology / Operations	40		
15	A	Evaluate the offerors implementation program and maintenance schedule. Did they address warranty and non-warranty services.	1.54	1.28	1.41
16	B	Evaluate the offerors operational plan that describes how the solution will be managed once it is installed.	1.54	1.41	1.41
17	C	Evaluate the offerors post-implementation support they will make available to APS.	1.54	1.41	1.41
18	D	Evaluate the offerors training program for APS Technical staff at the completion of this implementation	1.54	1.28	1.28
19	E	Evaluate the offerors hiring process that should include recruiting, screening and training of employees.	1.54	1.15	1.28
20	F	Evaluate the offerors start up plan for this project.	1.54	1.41	1.41
21					
22	G	Evaluate the offerors procedures for routine and emergency request for equipment service.	1.54	1.28	1.28
23	H	Evaluate the offerors procedures for customer complaint resolution.	1.54	1.15	1.28
24	I	Evaluate the offerors experience in working with the Schools and Libraries Division of USAC.	1.54	1.41	1.41
25	J	Evaluate the offerors plan to keep up-to-date on new E-Rate rules and modifications to existing ones, during the lifetime of this contract.	1.54	1.54	1.41
26	K	Evaluate the offerors procedures for someone wishing either to add or delete an item of equipment to/from the project.	1.53	0.89	1.14
27	L	Evaluate the offerors plan for operations and customer service: Its capacity of analyzing APS current equipment maintenance situation and making recommendations concerning equipment maintenance, cost savings, replacements, etc.	1.54	1.02	1.28
28	M	Evaluate the sample reports submitted under section 3.1.5. These reports should include items listed in section 6.14.4 page 15.	1.53	1.40	1.27
31	6.17	Section 5 Technical Questionnaire	20	20.00	20.00
32					
33		Section 3 – Pricing	40		
34	A	Provide pricing on the APS proposal form which is included in this solicitation.	40	40.00	33.88
35					
36		Section 4 – Value Added Benefits	5		
37	A	Evaluate the offerors Submitted list with detailed description of any value added benefits your company can offer APS	5	3.75	3.75
38		Total	100.00	87.60	88.61

**Board Policy
Purchasing Authority****Descriptor Code: DJEA**

The Atlanta Public Schools (APS) must buy supplies, services, and construction from the business community to operate. The Atlanta Board of Education shall appropriate funds that will be used, pursuant to administrative regulations set forth by the Superintendent, to procure the required goods and services, in accordance with the following stipulations:

1. The authority to purchase, i.e. the authority to obligate district funds to an agency outside of the APS, is vested in the Superintendent, with the authority to purchase or contract to purchase materials, supplies, equipment, and services; to lease equipment and facilities necessary for educational programs and district operations; and to contract for renovations and construction. All such purchases and/or contracts shall be awarded contingent upon the availability of unrestricted funds in the approved operating or capital budget. All contracts must be signed by the Superintendent or his/her designee.
2. All district employees shall encourage and promote, on an inclusionary basis, contracting opportunities for all businesses, without regard to race, color, sex, religion, national origin, marital status, sexual orientation, age, or disability.
3. All contractors and vendors desiring to do business with the APS and/or to participate on APS contracts shall be required to comply with Board policy GAG, Staff Conflict of Interest. All vendors and contractors doing business with the APS shall provide all persons with equal opportunity without regard to race, color, sex, religion, national origin, marital status, sexual orientation, age, or disability.
4. All purchases and contracts for goods and services shall be made through the APS competitive process except for the following:
 - Purchases made through existing contracts or bids that have been established through a competitive selection process by another local, state or federal governmental agency.
 - Purchases of items and services that are only available from one source (excludables), such as:
 - a. Regulated utilities
 - b. MARTA passes
 - c. Postage
 - d. Organizational/professional memberships
 - e. Conference registration fees
 - f. Certain periodical subscriptions available only from the publisher
 - g. Notices required by law to be published in specific newspapers
 - h. Testing materials from the test publisher or licensed agent
 - i. Maintenance agreements from the original vendor or authorized agent when the same cannot be competitively bid
 - j. Specific items mandated by state or federal agencies
 - k. Comprehensive school reform models approved by the United States Department of Education and selected by the Superintendent and materials and support services provided by these vendors on an on-going basis
 - Sole Source Purchases – Sole source purchases are defined as those purchases of goods or services that can only be obtained from one source in the marketplace. Such goods or services will usually be of a unique nature and have performance characteristic and/or other attributes that can only be obtained from that source.
 - Single Source Purchases – Single source purchases are defined as those purchases of goods or services that, for a justifiable reason such as compatibility or standardization, are obtained from one source among others in a competitive marketplace.
 - Transactions valued under \$2,000 for any item or group of items.
 - Emergency purchases, as described in section 7 of this policy.
5. All purchases and contracts for goods and services, except those excluded in section 4 of this policy, shall be subject to the following competitive procedures:
 - Purchases of any item or group of items with a value of \$2,001 to \$25,000 require at least four (4) quotes.
 - Purchases exceeding \$25,000 require a formal solicitation conducted by Procurement Services.
 - The district reserves the right to reject all bids when such action is in the best interest of the district.
6. Capital project contracts with a total annual value of \$200,000 or greater, consultant contracts with a total annual value of \$50,000 or greater, and all other contracts with a total annual value of \$100,000 or greater must be approved by the Board.
7. Emergency purchases of supplies or contracted services may be made when the Superintendent or her/his designee determines that an emergency exists that threatens the health, welfare or safety of students, staff members, the district or the public. Such emergency procurements shall be made with as much competition as is practicable under the circumstances. At the regular legislative meeting the next month following an emergency purchase, the Board shall receive a written report of all emergency procurements including the basis for the emergency, the selection process for the provider, the name of the provider, the amount and type of the contract or purchase, and a listing of the goods or services procured under the contract or purchase.
8. Except as otherwise provided by general law, no elected official, appointed officer, or employee of the APS or any office, department, or agency thereof shall knowingly violate the ethics requirements described in Board policies BH, Board Ethics; CB, Administrative Personnel Ethics; GAG, Staff Conflict of Interest; and GAGB, Gifts to Staff.

9. An agreement that is made by any APS employee who lacks the authority to enter into the agreement on behalf of APS shall not be binding upon APS. Any contract entered into by an APS employee outside the provisions of this policy shall be of no effect and void. Any APS employee who purchases or causes to be purchased goods or services outside the provisions of this policy and its implementing regulations may be deemed personally liable for the cost thereof and may be subject to appropriate disciplinary action up to and including termination.

Exceptions

Nothing in this policy shall be construed to contradict any other Board policy.

Conformance with other Laws

No provision of the purchasing, contracting, and leasing policy shall be deemed to permit any expenditure of public education revenues outside the parameters of applicable state or federal laws.

This policy shall be effective July 6, 2009.

Atlanta Public Schools

Last Revised: 07/06/2009

Atlanta Public SchoolsDate Adopted: 3/11/1985
Last Revised: 7/6/2009**Georgia Code Description**O.C.G.A. 20-02-0109 Duties of superintendentsO.C.G.A. 20-02-0168 Distribution of federal funds; summer school programs; year-round operationO.C.G.A. 20-02-0270 Establishment of statewide RESAsO.C.G.A. 20-02-0503 Purchasing educational information, literature and servicesO.C.G.A. 20-02-0506 Authority to enter into multiyear lease, purchase or lease purchase contractsO.C.G.A. 50-05-0070 Purchases for county boards of education

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.



Step 3: Run an Open and Fair Competitive Bidding Process

Form 470 Information

Applicants must ensure an open and fair competitive bidding process to receive Schools and Libraries support.

The competitive bidding process begins when the *Description of Services Requested and Certification Form* (Form 470) is posted to USAC's website. In Form 470, the applicant describes the types of products and services desired and for which bids are accepted. The applicant must conduct a fair and open competitive procurement in which a service provider is selected and products and/or services are ordered and reported on the *Services Ordered and Certification Form* (Form 471).

The applicant must be ready to accept bids once the Form 470 is posted on the USAC website. The applicant also must take an affirmative role in evaluating such bids. Applicants may not delegate the evaluation role to anyone associated with a service provider.

Request for Proposals. A Request for Proposals (RFP) is not required, but it is a good idea to have one. An RFP describes the project undertaken, with sufficient details to inform potential bidders of the scope, location, and any other requirements for the project. If an RFP exists, the applicant must indicate on Form 470 where the RFP is available, whether on a website or from a contact person. If state or local procurement regulations impose additional requirements, such as eligibility requirements for bidders, these requirements must also be noted on Form 470.

Competitive Bidding. The goal of competitive bidding is to have as many bidders as possible respond to a Form 470, RFP, or other solicitation method so that the applicant can receive better service and lower prices.

The competitive bidding process must be fair and open. "Fair" means that all bidders are treated the same and that no bidder has advance knowledge of the project information. "Open" means there are no secrets in the process – such as information shared with one bidder but not with others – and that all bidders know what is required of them. The Form 470, RFP, or other solicitation method should be clear about the products, services, and quantities the applicant is seeking and must be based directly on the applicant's technology plan. In addition, the applicant must avoid using generic or encyclopedic service descriptions on their Form 470, RFP, or other solicitation method. Using a generic RFP or Form 470 does not comply with Federal Communications Commission (FCC) competitive bidding requirements. Also, using an encyclopedic RFP or Form 470 does not comply with FCC competitive bidding requirements. Such generic or encyclopedic requests will inhibit service providers from composing a responsive bid without additional information or insight into the applicant's bid solicitation.

- Examples of a generic Form 470 or service description may include "all eligible services," "any E-Rate products," or "all telecom services".
- Examples of an "encyclopedic" service description are replications of the entire Eligible Services List or a "grocery" list of services that does not cover a specific service or product.

In order to be sure that a fair and open competition is achieved, any marketing discussions held with service providers must be neutral, so as not to taint the competitive bidding process. That is, the applicant should not have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with "inside" information or allow it to unfairly compete in any way. For example, a conflict of interest exists when the applicant's consultant is associated with a service provider that is selected and is involved in determining the services sought by the applicant and the selection of the applicant's service provider(s).

Step 2 Develop a Technology Plan

Step 4 Select a Service Provider Process

Last modified on 3/31/2008

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EXHIBIT 7

USAC

Universal Service Administrative Company
Schools and Libraries Division

Correspondence Unit

30 Lanidex Plaza West

PO Box 685

Parsippany, NJ 07054-0685

TIME SENSITIVE MATERIAL

00023

Randall Sellers

Atlanta Public Schools

130 Trinity Avenue S.W.

Atlanta, GA 30303



Universal Service Administrative Company

Schools and Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2010: 07/01/2010 - 06/30/2011)

January 5, 2012

Randall Sellers
Atlanta Public Schools
130 Trinity Avenue S.W.
Atlanta, GA 30303

Re: Form 471 Application Number: 765738
Billed Entity Number (BEN): 127319
Billed Entity FCC RN: 0011961349
Applicant's Form Identifier: AT10-47101

Thank you for your Funding Year 2010 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$855,455.94 is "Approved."
- The amount, \$1,907,320.07 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 765738 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2010," AND

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

- The exact text or the decision that you are appealing.
- 3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
- 4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
- 5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT
Billed Entity Name: Atlanta Public Schools
BEN: 127319
Funding Year: 2010

Comment on RAL corrections: FRN(s) modified in accordance with a RAL request.

Form 471 Application Number: 765738
Funding Request Number: 2069794
Funding Status: Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 211670000772925
SPIN: 143004824
Service Provider Name: BellSouth Telecommunications, LLC
Contract Number: N/A
Billing Account Number: 404-M05-2917 001
Multiple Billing Account Numbers: Y
Service Start Date: 07/01/2010
Service End Date: N/A
Contract Award Date: 02/19/2010
Contract Expiration Date: 06/30/2011
Shared Worksheet Number: 1259316
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$921,004.92
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$921,004.92
Discount Percentage Approved by the USAC: 82%
Funding Commitment Decision: \$755,224.03 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: MR1: FRN modified in accordance with a RAL request. <><><><><> MR2: The Contract Expiration Date was changed from 6/30/15 to 6/30/11 to agree with the applicant documentation.

FCDL Date: 01/05/2012

Wave Number: 080

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012

FUNDING COMMITMENT REPORT
Billed Entity Name: Atlanta Public Schools
BEN: 127319
Funding Year: 2010

Comment on RAL corrections: FRN(s) modified in accordance with a RAL request.

Form 471 Application Number: 765738
Funding Request Number: 2069795
Funding Status: Funded
Category of Service: Internet Access
Form 470 Application Number: 841360000767175
SPIN: 143001196
Service Provider Name: Deltacom, Inc
Contract Number: MTM
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2010
Service End Date: 06/30/2011
Contract Award Date: N/A
Contract Expiration Date: N/A
Shared Worksheet Number: 1259316
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$79,800.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$79,800.00
Discount Percentage Approved by the USAC: 82%
Funding Commitment Decision: \$65,436.00 - FRN approved as submitted

FCDL Date: 01/05/2012
Wave Number: 080
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012

FUNDING COMMITMENT REPORT
Billed Entity Name: Atlanta Public Schools
BEN: 127319
Funding Year: 2010

Comment on RAL corrections: FRN(s) modified in accordance with a RAL request.

Form 471 Application Number: 765738
Funding Request Number: 2069796
Funding Status: Funded
Category of Service: Internet Access
Form 470 Application Number: 696990000664431
SPIN: 143027372
Service Provider Name: SCHOOLWIRES INC.
Contract Number: N/A
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2010
Service End Date: N/A
Contract Award Date: 09/25/2008
Contract Expiration Date: 06/30/2011
Shared Worksheet Number: 1259316
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$27,499.92
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$27,499.92
Discount Percentage Approved by the USAC: 82%
Funding Commitment Decision: \$22,549.93 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: MR1: The Contract Award Date was changed from 8/1/08 to 9/25/08 to agree with the applicant documentation. <><><><><> MR2: The Contract Expiration Date was changed from 6/30/13 to 6/30/11 to agree with the applicant documentation.

FCDL Date: 01/05/2012
Wave Number: 080

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012

FUNDING COMMITMENT REPORT
Billed Entity Name: Atlanta Public Schools
BEN: 127319
Funding Year: 2010

Comment on RAL corrections: FRN(s) modified in accordance with a RAL request.

Form 471 Application Number: 765738
Funding Request Number: 2069798
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 603700000796873
SPIN: 143004824
Service Provider Name: BellSouth Telecommunications, LLC
Contract Number: T
Billing Account Number: 404 M05-1782-782
Multiple Billing Account Numbers: Y
Service Start Date: 07/01/2010
Service End Date: 06/30/2011
Contract Award Date: N/A
Contract Expiration Date: N/A
Shared Worksheet Number: 1259316
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$2,326,000.08
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$2,326,000.08
Discount Percentage Approved by the USAC: 82%
Funding Commitment Decision: \$0.00 - Selective - Bidding Violation
Funding Commitment Decision Explanation: MR1: FRN modified in accordance with a RAL request. <><><><> MR2: The dollars requested were reduced to remove the ineligible product/service for partial monthly charges for \$846.04/m. <><><><> MR3: The FRN was modified from \$176,359.24/m to \$175,513.20/m to agree with the applicant documentation. <><><><> DR: The winning vendor was not selected in accordance with the process listed in the vendor selection documentation provided during the review. After scoring both bids you did not select the bid that received the most points. ENA received more points than AT&T, the company that you selected for your bid award. ENA was not disqualified from the bid, and therefore, after receiving the most points in the evaluation, and in accordance with program rules, should have been awarded the contract. Applicants have significant latitude in developing the bid evaluation criteria, as long as price of the eligible goods and services is the primary factor. However, after determining those criteria and scoring the bids, the applicant must abide by the outcome of that review process.

FCDL Date: 01/05/2012
Wave Number: 080
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012

FUNDING COMMITMENT REPORT
Billed Entity Name: Atlanta Public Schools
BEN: 127319
Funding Year: 2010

Comment on RAL corrections: FRN(s) modified in accordance with a RAL request.

Form 471 Application Number: 765738
Funding Request Number: 2073778
Funding Status: Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 211670000772925
SPIN: 143001192
Service Provider Name: AT&T Corp.
Contract Number: N/A
Billing Account Number: 030 114 7540 001
Multiple Billing Account Numbers: Y
Service Start Date: 07/01/2010
Service End Date: N/A
Contract Award Date: 02/19/2010
Contract Expiration Date: 06/30/2011
Shared Worksheet Number: 1259316
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$13,800.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$13,800.00
Discount Percentage Approved by the USAC: 82%
Funding Commitment Decision: \$11,316.00 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The Contract Expiration Date was changed from 6/30/15 to 6/30/11 to agree with the applicant documentation.

FCDL Date: 01/05/2012

Wave Number: 080

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012

FUNDING COMMITMENT REPORT
Billed Entity Name: Atlanta Public Schools
BEN: 127319
Funding Year: 2010

Comment on RAL corrections: FRN(s) modified in accordance with a RAL request.

Form 471 Application Number: 765738
Funding Request Number: 2073816
Funding Status: Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 211670000772925
SPIN: 143004066
Service Provider Name: BellSouth Long Distance, Inc. dba AT&T Long Distance
Contract Number: N/A
Billing Account Number: 404 M05-2917 001
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2010
Service End Date: N/A
Contract Award Date: 02/19/2010
Contract Expiration Date: 06/30/2011
Shared Worksheet Number: 1259316
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$1,134.12
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$1,134.12
Discount Percentage Approved by the USAC: 82%
Funding Commitment Decision: \$929.98 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The Contract Expiration Date was changed from 6/30/15 to 6/30/11 to agree with the applicant documentation.

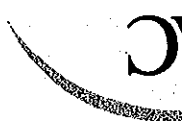
FCDL Date: 01/05/2012

Wave Number: 080

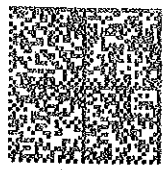
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012

New Jersey 07054-0685

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